

Highways and Traffic Regulations - Amended
(Authorizing Residential Permit Parking
in Certain Areas)

Regulation No. 74-25

October 12, 1974

The District of Columbia City Council having passed a regulation on second and final reading October 1, 1974, and the Mayor-Commissioner having signed such regulation October 12, 1974, an amendment to Highways and Traffic Regulations authorizing residential permit parking in certain areas, is hereby adopted as follows:

Section 1. Article XIII of the Highways and Traffic Regulations of the District of Columbia is hereby amended as follows:

(1) by redesignating subsections (a) and (b) of Section 82 as subsection "(b)" of Section 80; and

(2) by adding a new Section 82 titled "Residential Parking Areas", to read as follows:

"Section 82. Residential Permit Parking Areas

"(a) The Commissioner is hereby authorized to designate by order, subject to approval by the Council as hereinafter provided, public highways and other areas within the District on which the parking of vehicles may be restricted, beyond a consecutive two (2) hour period between the hours of 7 A.M. and 6:30 P.M. on weekdays, excepting holidays, in whole or in part to vehicles bearing a valid parking permit issued pursuant to this section. This authority shall be in addition to and may be exercised in conjunction with any other authority the Commissioner may have to regulate the times and conditions of motor vehicle parking.

"(b) As used in this section --

"(1) 'Residential area' shall mean a contiguous or nearly contiguous area containing public highways or parts thereof primarily abutted by residential property or residential

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and non business property (such as schools, parks, churches, hospitals, and nursing homes), and designated as such by the Commissioner.

"(2) 'Commuter vehicle' shall mean a motor vehicle parked in a residential area by a person not a resident thereof.

"(c) A residential area shall be deemed eligible for residential permit parking if, based on objective criteria established by the Commissioner, parking therein is impacted by commuter vehicles between 7 A.M. and 6:30 P.M. weekdays, except holidays.

"(d) In determining whether an area identified as eligible for residential permit parking shall be designated as a residential permit parking area, the Commissioner shall take into consideration the following factors:

"(1) The local and metropolitan needs with respect to clean air and the requirements of Federal and District air quality plans, rules and regulations;

"(2) The possibility of a reduction in total vehicle miles driven in the District of Columbia;

"(3) The likelihood of alleviating traffic congestion, illegal parking, and related health and safety hazards;

"(4) The proximity of public transportation to the residential area;

"(5) The desire and need of the residents for residential permit parking and their willingness to bear the administrative costs in connection therewith; and

"(6) The need for parking in excess of two (2) hours in proximity to establishments located therein and used by the general public for religious, health, or educational purposes.

"(e) In order to determine whether a particular street, avenue, or other location shall be designated as a residential permit parking area, the Commissioner or his designee may conduct, upon his own initiative or upon a petition of a majority of the households in such area,

addressed to the Commissioner or the Council, a public forum, prior to the designation of a parking permit area, or prior to the withdrawal of such designation once it is established. Such forum shall be held only after due notice has been published in a newspaper of general circulation throughout the District and in the D. C. Register. The notice shall clearly state the purpose of the forum, the exact location and boundaries of the residential permit parking area under consideration, the reasons why such area is being proposed for designation as a residential permit parking area, and, if applicable, the proposed permit parking fee that would be charged. In addition to the published notice a similar notification shall be mailed to every household, the identity of which can reasonably be established, within the area under consideration. During such forum, any interested person shall be entitled to appear and be heard. No forum shall be held and no area designated if it is not found to be an impacted area under subsection (c) of this section.

"(f) Within 30 days following the close of the public forum, the Commissioner shall recommend by report to the Council, based on the record of such forum, whether to designate the area under consideration as a residential permit parking area or to remove the designation in the case of an established residential permit parking area. Within 45 days following the receipt of the report, the Council shall approve or disapprove the recommendation of the Commissioner.

"(g) Following Council approval of the designation of a residential permit parking area, the Commissioner or his designee shall issue appropriate permits and shall cause parking signs to be erected in the area, indicating the times, locations, and conditions under which parking shall be by permit only. A permit shall be issued upon application and payment of the applicable fee, only to the owner or the operator of a motor vehicle who resides on property immediately adjacent to a street, avenue, or other location within the residential permit parking area.

"(h) The application for a permit shall contain the name of the owner or operator of the motor vehicle, residential address, the motor vehicle's make, model, registration number, and the number of the applicant's operator's permit. The motor vehicle's registration and operator's license may, in the discretion of the Commissioner, be required to be presented at the time of making said application in order to verify the contents thereof. The owner or operator of any motor vehicle applying for a residential parking permit shall have valid District of Columbia motor

vehicle license tags unless not legally required to have them. The permit shall be renewed annually upon such conditions and procedures as the Commissioner shall specify. The permit shall display the motor vehicle's serial, license and zone numbers and expiration date.

"(i) Notwithstanding any provision of this Article to the contrary, the holder of a residential parking permit shall be permitted to stand or park a motor vehicle operated by him in any designated residential parking area during such times as the parking of motor vehicles therein is permitted. While a vehicle for which a residential parking permit has been issued is so parked, such permit shall be displayed so as to be clearly visible through the windshield of the vehicle. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential permit parking area. A residential parking permit shall not authorize the holder thereof to stand or park a motor vehicle in such places or during such times as the stopping, standing, or parking of motor vehicles is prohibited or set aside for specified types of vehicles, nor exempt the holder from the observance of any traffic regulation other than two-hour parking limit.

"(j) No person other than the permittee named thereon shall use a residential parking permit or display it on a vehicle operated or parked, and any such use or display by a person other than the permittee shall constitute a violation of this regulation by the permittee and by the person who so used or displayed such parking permit.

"(1) It shall constitute a violation of this regulation for any person to falsely represent himself as eligible for a residential parking permit or to furnish any false information in an application to the Commissioner in order to obtain a residential parking permit.

"(2) The Commissioner is authorized to revoke the residential parking permit of any permittee found to be in violation of this regulation and, upon written notification thereof, the permittee shall surrender such permit to the Commissioner. Failure, when so requested, to surrender a residential parking permit so revoked shall constitute a violation of this regulation.

"(k) The Commissioner is authorized to establish by order an annual residential permit parking fee to cover the administrative costs of permits issued pursuant to this section.

"(l) The Commissioner is authorized to make provisions for: (i) the issuance of temporary parking permits to bona fide visitors of residents of a designated residential parking area; and (ii) the issuance of exemption parking permits to handicapped persons in keeping with the requirements of Regulation No. 73-12, (Regulation Providing Special Parking Privileges for Handicapped Drivers).

"(m) Any person who shall violate any provision of this regulation shall, upon conviction, be subject to punishment by a fine of not more than \$300 or imprisonment of not more than 10 days, or both."

Section 2. Severability.

The provisions of this regulation are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of the regulation or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this regulation would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstances, to which the regulation or part thereof is held inapplicable, had been specifically exempted therefrom.

Section 3. This regulation shall take effect sixty (60) days after enactment.